

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE
DISTRICT OF TENNESSEE**

IN RE:)	Case No. 16-07916
Christopher Shannon Hammonds)	
SSN#xxx-xx-6700)	
)	
206 Rachel's Ct)	Judge Walker
Hermitage, TN 37076)	Chapter 13
DEBTOR(s))	

**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: 11/30/2017
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: 12/13/2017**
at 8:30 a.m. in Courtroom One, Second Floor, 701 Broadway, The Customs House, Nashville, TN 37203

**NOTICE OF MOTION TO MODIFY CHAPTER 13 PLAN TO PROVIDE FOR CLAIM OF INLAND BANK/INSOLVE
AUTO FUNDING AS A LONG TERM DEBT PURSUANT TO § 1322(b)(5)**

The Debtor has asked the Court for the following relief: permission to modify the Debtor's plan to provide for claim of Inland Bank/InSolve Auto Funding as a Long Term Debt pursuant to §1322(b)(5)

YOUR RIGHTS MAY BE AFFECTED. IF YOU OR YOUR ATTORNEY DO NOT FILE A RESPONSE TO THIS MOTION BY THE DEADLINE ESTABLISHED ABOVE, YOUR SILENCE WILL BE DEEMED AS ACCEPTANCE OF THE RELIEF SOUGHT IN THIS MOTION.

If you do not want the court to grant the attached motion, or if you want the court to consider your views on the motion, then on or before 11/30/2017 you or your attorney must:

1. File with the court your written response or objection explaining your position at:

By Mail: U.S. Bankruptcy Court, 701 Broadway, Room 170, Nashville, TN 37203

In Person: U.S. Bankruptcy Court, 701 Broadway, Room 170, Nashville, TN 37203
(Monday- Friday, 8:00 a.m. – 4:00 p.m.)

2. Your responses must state that the deadline for filing responses: 11/30/2017, the date of the scheduled hearing is:12/13/2017 and the motion to which you are responding is: MOTION TO MODIFY CHAPTER 13 PLAN TO PROVIDE FOR CLAIM OF INALND BANK/INSOLVE AUTO FUNDING AS A LONG TERM DEBT PURSUANT TO §1322(b)(5).

If you want a file stamped copy returned, you must include an extra copy and a self-addressed, stamped envelope.

3. You must also mail a copy of your response to:

Mary Catherine Gasser, 511 Enon Springs Road, East, Smyrna, TN 37167, and see Certificate of Service for additional parties to serve (attached hereto)

If a timely response is filed, the hearing will be held at the time and place indicated above. ***THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.*** You may check whether a timely response has been filed by calling the Clerk's office at 615-736-5584 or viewing the case on the Court's web site at www.tnmb.uscourts.gov. If you received this notice by mail, you may have three additional days in which to file a timely response under Rule 9006(f) of the Federal Rules of Bankruptcy Procedure.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting relief.

Date: 11/9/2017

/s/ MARY CATHERINE GASSER

Mary Catherine Gasser, BPR #030898
Attorney for Debtors
Gasser Law, PLLC
511 Enon Springs Road, East
Smyrna, TN 37167
(615) 459-6130
Fax: (615) 459-7727
cgasser@gasserlawoffice.com

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE
DISTRICT OF TENNESSEE**

IN RE:)	Case No. 16-07916
Christopher Shannon Hammonds)	
SSN#xxx-xx-6700)	
)	
206 Rachel's Ct)	Judge Walker
Hermitage, TN 37076)	Chapter 13
DEBTOR(s))	

**MOTION TO MODIFY CHAPTER 13 PLAN TO PROVIDE FOR CLAIM OF INLAND BANK/INSOLVE AUTO
FUNDING AS A LONG-TERM CLAIM PURSUANT TO § 1322(b)(5)**

COMES NOW the Debtor, by and through counsel, and would move this Honorable Court for permission to modify the Chapter 13 plan pursuant to 11 U.S.C. §1329 and to provide for claim of Inland Bank/InSolve Auto Funding as a long-term claim per 11 U.S.C. §1322(b)(5).

The Debtor's Chapter 13 proceeding was filed on 11/3/2016 confirmed on 12/21/2016, paying a dividend of 20% to unsecured creditors.

As grounds, the Debtor would state the following:

1. The Debtor seeks permission to modify his Chapter 13 plan to provide for claim of Inland Bank/InSolve Auto Funding as a long-term claim per 11 U.S.C. §1322(b)(5). The terms of the loan are as follows:
 - a. The Debtor seeks to finance a 2016 Chrysler 200 Limited Sedan, VIN#1C3CCCAB4GN136574 ("motor vehicle"). The amount to be financed is \$13,732.73 at a rate of 22%, to be paid by the Trustee with an ongoing monthly payment of \$379.37 beginning 11/18/2017 as a class 3 creditor.
 - b. Inland Bank/InSolve Auto Funding shall be paid as a Class 3 creditor upon the filing of an approved Proof of Claim.
 - c. Debtor shall maintain full coverage insurance on the motor vehicle and list Inland Bank as the loss payee.
 - d. The Debtor waives discharge of this post-petition debt to Inland Bank. Inland Bank/InSolve Auto Funding's claim for post-petition financing is a continuing debt under 11 U.S.C. § 1328(a)(1) and is not subject to discharge thereunder.
 - e. The claim of Inland Bank/InSolve Auto Funding shall be treated by the Trustee as a long-term obligation pursuant to 11 U.S.C. § 1322(b)(5), and the Trustee need not allocate interest and principal in the disbursements to Inland Bank.
 - f. The Order Confirming Chapter 13 Plan shall be modified to provide that the Debtor's obligation to Inland Bank/InSolve Auto Funding is a secured obligation and shall be paid directly by the Debtor after completion of the Chapter 13 plan pursuant to the terms of the agreement between the Debtor and Inland Bank.
 - g. Should the Debtor default on the plan payments or insurance, Inland Bank shall notify Debtor and Debtor's counsel of the default and, if the default is not cured within ten (10) days of such notice, Inland Bank may thereupon have relief from the automatic stay of 11 U.S.C. §362(a) by the filing of a "Notice of Default Constituting Order of Relief From Stay" without the necessity of the filing of a motion for a hearing in this Court.
2. The Chapter 13 plan shall be modified to increase the Debtor's payments to the Trustee from \$71.00 weekly to \$159.00 weekly.
3. The base shall be increased to \$30,160.47.
4. Except as set forth herein, all other plan provisions of the Order confirming the Debtor's Chapter 13 plan remain unaffected by this modification and no other creditors are affected by this modification.
5. The Debtor seeks permission to modify his plan to reflect these changes.
6. The Debtor's Chapter 13 plan allows such modification and will allow the Debtor to successfully complete his Chapter 13 plan and reorganize his estate.

7. The Chapter 13 Trustee approved the Debtor to obtain financing of this vehicle by letter dated October 5, 2017, attached hereto as Exhibit A.
8. An amended monthly budget is attached hereto as Exhibit B.

STATEMENT OF IMPACT

4. The dividend to unsecured creditors shall remain 20%.
5. The Debtor's plan payment shall be \$159.00 weekly.
6. The new base shall be \$30,160.47.
7. No other terms of the confirmation order shall be affected by this modification.

Respectfully submitted,

/s/ MARY CATHERINE GASSER
Mary Catherine Gasser, BPR #030898
Attorney for Debtors
Gasser Law, PLLC
511 Enon Springs Road, East
Smyrna, TN 37167
(615) 459-6130
Fax: (615) 459-7727
cgasser@gasserlawoffice.com

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE
DISTRICT OF TENNESSEE**

IN RE:) Case No. 16-07916
Christopher Shannon Hammonds)
SSN#xxx-xx-6700)
206 Rachel's Ct) Judge Walker
Hermitage, TN 37076) Chapter 13
DEBTOR(s))

PROPOSED ORDER GRANTING MOTION TO MODIFY CHAPTER 13 PLAN TO PROVIDE FOR CLAIM OF INLAND BANK/INSOLVE AUTO FUNDING AS A LONG-TERM CLAIM PURSUANT TO § 1322(b)(5)

It appears to the United States Bankruptcy Court for the Middle District of Tennessee that the Debtor filed a Motion to Modify the Chapter 13 plan and provide for claim of Inland Bank/InSolve Auto Funding as a long-term claim per § 1322(b)(5) and notice of said motion has been given pursuant to L.B.R. 9013-1 to all parties in interest. It further appears to the Court that twenty-one (21) days have elapsed since the date of service of the motion and no responses have been forthcoming from any party in interest.

It is therefore ORDERED as follows:

1. The Debtor shall be permitted to modify his Chapter 13 plan to provide for claim of Inland Bank/InSolve Auto Funding as a long-term claim per 11 U.S.C. § 1322(b)(5).
2. The amount to be financed through Inland Bank/InSolve Auto Funding shall be \$13,732.73 at a rate of 22%, to be paid by the Chapter 13 Trustee with an ongoing payment of \$379.37 beginning 11/18/17.
3. Inland Bank/InSolve Auto Funding shall be paid as a Class 3 creditor upon the filing of an approved Proof of Claim.
4. The Debtor shall maintain full coverage insurance on the motor vehicle and list Inland Bank as the loss payee.
5. The Debtor shall waive discharge of this post-petition debt to Inland Bank/InSolve Auto Funding. The monthly payments to Inland Bank/InSolve Auto Funding shall be disbursed with all other Class 3 claims.
6. Inland Bank/InSolve Auto Funding's claim for post-petition financing shall be a continuing debt under 11 U.S.C. § 1328(a)(1) and is not subject to discharge.
7. This claim of Inland Bank/InSolve Auto Funding shall be treated by the Trustee as a long-term obligation pursuant to 11 U.S.C. § 1322(b)(5), and the Trustee need not allocate interest and principal in the disbursements to Inland Bank.
8. The Debtor's obligation to Inland Bank/InSolve Auto Funding is a secured obligation and shall be paid directly by the Debtor after completion of the Chapter 13 plan pursuant to the terms of the agreement between the Debtor and Inland Bank/InSolve Auto Funding.
9. Should the Debtor default on the plan payments or insurance, Inland Bank/InSolve Auto Funding shall notify Debtor and Debtor's counsel of the default and, if the default is not cured within ten (10) days of such notice, Inland Bank/InSolve Auto Funding may thereupon have relief from the automatic stay of 11 U.S.C. §362(a) by the filing of a "Notice of Default Constituting Order of Relief From Stay" without the necessity of the filing of a motion for a hearing in this Court.
10. The Debtor's plan payment shall increase to \$159.00 weekly.
11. The dividend to general unsecured creditors shall remain at 20%.
12. The new base shall be \$30,160.47.
13. No other terms of the confirmation order shall be affected by this modification.

PROPOSED

IT IS SO ORDERED.

This order was electronically signed and entered as indicated at the top of the first page.

Respectfully submitted,

/s/ MARY CATHERINE GASSER
Mary Catherine Gasser, BPR #030898
Attorney for Debtors
Gasser Law, PLLC
511 Enon Springs Road, East
Smyrna, TN 37167
(615) 459-6130
Fax: (615) 459-7727
cgasser@gasserlawoffice.com

CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2017 I furnished a true and correct copy of the foregoing to the following parties in interest:

Henry E. Hildebrand, III
Chapter 13 Trustee
P.O. Box 340019
Nashville, TN 37203-0019

Samuel K. Crocker
U.S. Trustee
318 Customs House
701 Broadway
Nashville, TN 37203

Christopher Hammonds
206 Rachel's Ct
Hermitage, TN 37076

Inland Bank/InSolve Auto Funding, LLC U.S. mail first class
c/o Capital Recovery Group, LLC
PO Box 64090
Tucson, AZ 85728-4090

And to all the creditors listed below via U.S. mail first class.

AVANT CREDIT, INC
640 N LA SALLE ST
SUITE 535
CHICAGO IL 60654

BADCOCK AND MORE
820 NW BROAD ST
MURFREESBORO TN 37129

BARCLAYS BANK DELAWARE
PO BOX 8801
WILMINGTON DE 19899

CAPITAL ONE
PO BOX 30285
SALT LAKE CITY UT 84130

CARDWORKS/CW NEXUS MERRICK
POB 9201
OLD BETHPAGE NY 11804

CASH EXCHANGE
246 S. LOWRY STREET
SMYRNA TN 37167

CONNS APPLIANCES
C/O BECKET & LEE LLP
PO BOX 3002 DEPT. CONNS
MALVERN PA 19355-1245

CONNS HOME PLUS
3295 COLLEGE ST
BEAUMONT TX 77701

CREDIT FIRST/CFNA BRIDGESTONE
BK13 CREDIT OPERATIONS
PO BOX 818011
CLEVELAND OH 44181

CREDIT ONE BANK NA
PO BOX 98873
LAS VEGAS NV 89193

FIRST HERITAGE CREDIT
235 WEST NORTHFIELD BLVD STE B
MURFREESBORO TN 37129

PAYPAL
PO BOX 5138
TIMONIUM MD 21094

SPEEDY CASH
PO BOX 780408
WICHITA KS 67278

STONES RIVER CREDIT
1004-A MEMORIAL BLVD
MURFREESBORO TN 37129

SUNTRUST
PO BOX 26150
RICHMOND VA 23260

SYNCHRONY BANK/AMAZON
PO BOX 965064
ORLANDO FL 32896

SYNCHRONY BANK/CARE CREDIT
PO BOX 965064
ORLANDO FL 32896

SYNCHRONY BANK/LOWES
PO BOX 965064
ORLANDO FL 32896

SYNCHRONY BANK/WALMART
PO BOX 965064
ORLANDO FL 32896

AMERICAN GENERAL
FINANCIAL/SPRINGLEAF FI
SPRINGLEAF FINANCIAL/ATTN:
BANKRUPTCY DE
PO BOX 3251
EVANSVILLE IN 47731

Total number of parties served: 24

/s/ MARY CATHERINE GASSER
Mary Catherine Gasser, BPR #030898
Attorney for Debtors
Gasser Law, PLLC
511 Enon Springs Road, East
Smyrna, TN 37167
(615) 459-6130
Fax: (615) 459-7727
cgasser@gasserlawoffice.com

Exhibit A

Gasser Law, PLLC

511 Enon Springs Road, East
Smyrna, TN 37167
Office: 615-459-6130 Fax: 615-459-7727

October 5, 2017

Re: Christopher Hammonds
206 Rachel's Ct
Hermitage, TN 37076
Middle District of TN Chapter 13 No. 3:16-07916

To Whom It May Concern:

Please be advised that the above referenced Debtor has been given authorization as evidenced by the signature of the Chapter 13 Trustee below to obtain an extension of credit to purchase a vehicle. The principal amount of the loan is not to exceed \$15,000.00 at no more than 22% interest with a regular monthly payment not to exceed \$400.00 monthly. Debtor is seeking financing through Inland Bank.

The Debtor is in need of vehicle in order to fully fund the Chapter 13 plan. Debtor's previous vehicle is an older vehicle that continues to have mechanical problems.

The Debtor's Chapter 13 plan payments shall remain at \$71.00 weekly as reflected in the amended family monthly budget attached hereto. The Debtor attended a Money Management Workshop at the Chapter 13 Trustee's office and a certificate of competition was entered on October 4, 2017.

Respectfully,
/s/Mary Catherine Gasser
Mary Catherine Gasser
Attorney for Debtor

Henry E.

Hildebrand

|||

Digitally signed by Henry E.
Hildebrand, III
DN: cn=Henry E. Hildebrand, III,
o=Chapter 13 Trustee, ou=Ch13,
email=hank@ch13bna.com, c=US
Date: 2017.10.11 11:27:19 -05'00'

Henry E. Hildebrand, III
Chapter 13 Trustee

THIS APPROVAL IS ONLY VALID FOR THREE (3) MONTHS FROM ABOVE DATE.

Exhibit B

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE: _____
Debtor(s). _____
)
)
) CASE NO.
)
) CHAPTER [12 or 13]
)
) JUDGE
)

AMENDED MONTHLY FAMILY BUDGET

	<u>Prior Budget*</u>	<u>Current Budget*</u>
Dates of Budgets:	_____	_____
EXPENSES		
Rent/Mortgage Payment:	_____	_____
Utilities:	Prior*	Current*
Electric:	_____	_____
Water:	_____	_____
Heat:	_____	_____
Telephone/Internet	_____	_____
Trash:	_____	_____
Cable/Satellite:	_____	_____
Other (_____):	_____	_____
Total Utilities:	_____	_____
Food:	_____	_____
Clothing:	_____	_____
Laundry & Dry Cleaning:	_____	_____
Newspapers, Books, etc.:	_____	_____
Medical & Dental Expenses:	_____	_____
Transportation:	_____	_____
Insurance (not deducted from wages):		
Auto:	_____	_____
Life:	_____	_____
Home:	_____	_____
Renters:	_____	_____
Other (_____):	_____	_____
Total Insurance:	_____	_____
Taxes (not deducted from wages)	_____	_____
Child Support	_____	_____
Home Maintenance	_____	_____
Other Monthly Expenses (_____):	_____	_____
TOTAL MONTHLY EXPENSES:	_____	_____

**APPENDIX B
AMENDED MONTHLY FAMILY BUDGET**

INCOME	<u>Prior Budget*</u>	<u>Current Budget*</u>
Debtor's Gross Income:	_____	_____
Spouse's Gross Income:	_____	_____
Payroll Deductions: Prior* Current*		
Payroll Taxes: _____ _____		
401(k): _____ _____		
Other (_____): _____ _____		
Total Payroll Deductions: _____ _____		
Other Regular Income:	_____	_____
Support/Alimony: _____ _____		
Pension/SS/VA: _____ _____		
Other (_____): _____ _____		
Total Other Regular Income: _____ _____		
TOTAL MONTHLY INCOME:	_____	_____

SUMMARY:

Total Monthly Income (from above): _____ _____
minus Total Monthly Expenses (from page 1): _____ _____
equals Monthly Surplus: _____ _____

Monthly Plan Payment: _____ _____
Duration of Plan (months): _____ _____
Dividend to Unsecured Creditors (%): _____ _____
Secured Creditors Affected:
_____ _____ _____

* Explain any increase or decrease in income, expenses, or dividend that exceeds 10%:

(Debtor)

(Date)

(Debtor)

(Date)

**APPENDIX B
AMENDED MONTHLY FAMILY BUDGET**